

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1710
Wednesday, **August 24, 1988**, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Carnes	Harris	Frank	Linker, Legal
Coutant, Secretary	Randle	Gardner	Counsel
Doherty		Kane	
Draughon		Matthews	
Kempe, Chairman		Setters	
Paddock, 2nd Vice-Chairman			
Parmeale, 1st Vice-Chairman			
Selph, County Designee			
Wilson			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, August 23, 1988 at 11:30 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Kempe called the meeting to order at 1:33 p.m.

MINUTES:

Approval of the Minutes of August 10, 1988, Meeting #1708:

On **MOTION** of **COUTANT**, the TMAPC voted **8-0-2** (Carnes, Coutant, Doherty, Draughon, Kempe, Parmele, Wilson, Woodard, "aye"; no "nays"; Paddock, Selph, "abstaining"; Harris, Randle, "absent") to **APPROVE** the **Minutes of August 10, 1988, Meeting #1708**.

REPORTS:

Chairman's Report:

Mr. Ed Kaplan, Chairman of the **Tulsa Preservation Commission** requested a public hearing date be set to consider designation of the Gillette Historical Neighborhood for Historical Preservation (HP) Zoning. He suggested November 9th or 16th for this hearing.

REPORTS: Chairman's - Cont'd

Mr. Coutant, TMAPC representative on the Preservation Commission, advised this would be the first application for HP zoning submitted to the TMAPC. He commended the residents of the Gillette Addition and the Preservation Commission for their prompt action in this lengthy process.

TMAPC ACTION: 10 members present

On **MOTION** of **WILSON**, the TMAPC voted **10-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Randle, "absent") to **SET a Public Hearing for November 16, 1988** to consider designation of the Gillette Historical Neighborhood for Historical Preservation (HP) Zoning, as requested by the Tulsa Preservation Commission.

On **MOTION** of **PARMELE**, the TMAPC voted 9-0-1 (Draughon abstaining) to Waive Filing Fees on this application.

Ms. Barbara Day, representing Sharry White of the Gillette Historic District Association, submitted a letter from the Association to the TMAPC in regard to the requested public hearing.

Director's Report:

Mr. Gardner announced that a request had been submitted for a Joint TMAPC Committee Work Session to update the Commission on the progress of specific Work Program projects. He suggested August 31st at 1:30 in the INCOG offices. Chairman Kempe clarified this includes updates on the arterial right-of-way study, the school site use study the in-fill development study, as well as a general over view of other projects on the work program.

ZONING PUBLIC HEARING:

Application No.: **Z-6178 & PUD 306-B** Present Zoning: RS-3, RM-1
Applicant: **Jones (Grupe)** Proposed Zoning: CS
Location: NE & SE corners of East 95th Street & South Delaware
Date of Hearing: August 24, 1988
Presentation to TMAPC by: Mr. Bill Jones, 3800 1st National Tower (581-8200)

Relationship to the Comprehensive Plan: Z-6178

The District 18 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Low Intensity - No Specific Land Use and Development Sensitive.

According to the "Zoning Matrix", the requested CS district is **not** in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately 10 acres in size and is located at the northeast and southeast corners of East 95th Street South and South Delaware. It is nonwooded, flat, vacant, and is zoned RM-1, RS-3 and PUD 306-A.

Surrounding Area Analysis: The tract is abutted on the north by vacant land zoned AG; on the east and south by vacant land zoned RS-3 and PUD 306; and on the west across South Delaware by vacant land zoned AG, a soccer field zoned FD, an office park zoned OM, and two single-family dwellings zoned AG.

Zoning and BOA Historical Summary: The subject tract is Development Area E of PUD 306-A and is planned for 390 multifamily units north of East 95th Street, and 175,000 square feet of office space to the south of 95th Street. AG is the predominant zoning classification west of South Delaware and the highest intensity existing zoning granted at this general location is OM - Office Medium Intensity District to the west of Delaware. PUD 306-B has underlying RM-1 zoning at this location east of South Delaware. A CS zoning application (Z-6185) is pending at the NW/c of the intersection of South Delaware and the east access road to the Jenks Bridge.

Conclusion: The Comprehensive Plan does not support commercial zoning at this location. The Development Guidelines, however, classify the intersection of South Delaware Avenue and the Jenks bridge road as a Type I Node and the potential for a total of ten acres of CS zoning at this location does exist (NE/c and SE/c of the Node). The subject property is not located within the planned Riverside Parkway right of way; however, East 95th Street South will be required to be relocated further north to intersect with Delaware Avenue upon completion of Riverside Parkway.

The Staff would prefer that the Comprehensive Plan for this area not be amended until the Riverside Parkway extension is completed or at least the right-of-way secured for improvements. If the Commission is inclined to support a zoning change at this time, only ten acres should be zoned

Z-6178 & PUD 306-B Grupe - Cont'd

restricting the zoning configuration to 5 acre nodes (each 467' x 467') at the intersection of the Jenks Bridge Road and South Delaware Avenue. All of Area E should be left under the controls of PUD 306 as is being proposed.

PUD 306-B:

The subject tract is Development Area E of PUD 306 and has been approved for 390 units of multifamily units (permitted RM-2 Bulk and Area Standards) and 175,000 square feet of office uses. Residential uses are presently planned for areas north of East 95th Street with office uses to the south. The applicant has requested 217,000 square feet of medium intensity floor area to be used for all uses permitted by the CS zoning district by right with 133,000 square feet of office uses. PUD 306-B application includes only the most general development standards and does not include an Outline Development Plan.

If the Commission is supportive of the CS zoning per Z-6178 it is suggested that the applicant be instructed to complete the PUD application in accordance with the PUD Chapter of the Zoning Code and resubmit this data for Staff review and TMAPC action on a future agenda.

Comments & Discussion:

In response to questions from the Commission, Mr. Gardner reviewed the route of the Riverside Parkway as relates to this particular tract, and the route of the planned Creek Expressway, 1/2 mile south of this tract.

Mr. Bill Jones, representing Grupe Development, updated the Commission on the applicant's attempt to obtain a definitive legal description from the engineering firm hired by the City of Tulsa in regard to the right-of-way for the parkway. He advised that he had been verbally assured by the engineers that no portion of the area being zoned CS was within the right-of-way for the Parkway. Mr. Jones pointed out that the TMAPC approved zoning on a similar tract at 91st and the Riverside Parkway alignment, which was also approved by the City Commission, subject to withholding publication of the ordinance until such time that a legal description could be provided. He suggested following the same procedure for this zoning application. Mr. Jones advised he was in agreement with Staff's suggestion for the 467' x 467' five acre nodes.

In reply to Mr. Paddock, Mr. Gardner advised that up to 50' would be dedicated for any needed expansion of Delaware. Mr. Carnes moved for approval of CS zoning as recommended by Staff, subject to withholding publication of the ordinance until such time that a legal description could be provided as noted above.

TMAPC ACTION: 10 members present

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Randle, "absent") to **APPROVE Z-6178 Grupe Development Company** for CS zoning on five acres on the northeast and southeast corners of East 95th & Delaware, subject to withholding publication of the ordinance until such time that a legal description can be provided.

Legal Description:

NOTE: Per TMAPC action, publication of the ordinance is to be withheld until such time as a legal description can be provided on the abutting parkway; therefore, no legal description is available at this time on the subject tract.

Based on a recommendation from Staff, Mr. Carnes moved to continue the associated PUD 306-B for two weeks to formulate development standards.

TMAPC ACTION: 10 members present

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Randle, "absent") to **CONTINUE Consideration of PUD 306-B Grupe Development Company** until Wednesday, **September 7, 1988** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

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Application No.: **Z-6205** Present Zoning: **CS**
Applicant: **First Nat'l Bank & Trust (Conners/Winters)** Proposed Zoning: **CG**
Location: **West of the SW/c of East Admiral Place & Garnett**
Date of Hearing: **August 24, 1988**
Presentation to TMAPC by: **(Request to Withdraw by Applicant)**

TMAPC ACTION: 10 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Randle, "absent") to **WITHDRAW Z-6205 First National Bank & Trust (Conners/Winters)**, as requested by the applicant.

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Application No.: Z-6206

Present Zoning: RS-3

Applicant: Denny

Proposed Zoning: IL & P

Location: 5874 South Mingo Road

Date of Hearing: August 24, 1988

Presentation to TMAPC by: (Request to Withdraw by Applicant)

TMAPC ACTION: 10 members present

On **MOTION** of **DOHERTY**, the TMAPC voted **10-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Randle, "absent") to **WITHDRAW Z-6206 Denny**, as requested by the applicant.

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Application No.: Z-6207

Present Zoning: OM

Applicant: Moody

Proposed Zoning: CS

Location: North of the NW/c of East 71st & South Canton

Date of Hearing: August 24, 1988

Continuance Requested to: September 28, 1988

TMAPC ACTION: 10 members present

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Randle, "absent") to **CONTINUE Consideration of Z-6207 Moody** until Wednesday, **September 28, 1988** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

SUBDIVISIONS:

FINAL PLAT APPROVAL & RELEASE:

Wexford (PUD 440)(2783)

East 103rd & South Yale

(RS-2)

On **MOTION** of **PARMELE**, the TMAPC voted **10-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Randle, "absent") to **APPROVE the Final Plat of Wexford** and release same as having met all conditions of approval.

OTHER BUSINESS:

PUD 379-A (Hare): Detail Sign Plan for Wall Signs
6800 Block of South Memorial Drive (west side)

Staff Recommendation:

The subject tract is located in the 6800 Block of South Memorial Drive on the west side and is the site of The Village at Woodland Hills Shopping Center. This center has been approved for 344,500 square feet of retail/commercial uses and the majority of the floor area has been constructed. Sign standards for wall signs permit 1.5 square feet of display surface area for each lineal foot of building wall to which the sign is attached.

The proposed signs would be mounted on the second level of the east and north facade of the most southerly building. These signs meet the approved sign standards of PUD 379-A; therefore, Staff recommends **APPROVAL** of the proposed Detail Sign Plan for "Janie's Bridal" business.

TMAPC ACTION: 10 members present

On **MOTION** of **PARMELE**, the TMAPC voted **10-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Randle, "absent") to **APPROVE** the **Detail Sign Plan for PUD 379-A (Hare)**, as recommended by Staff.

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PUD 379-A-2 (Norman): Minor Amendment, Amended Detail Site Plan and Amended Detail Sign Plan
6800 Block of South Memorial Drive (west side)

Staff Recommendation:

The subject tract is located on the west side of the 6800 Block of South Memorial Drive and is the site of the Village at Woodland Hills Shopping Center. The property has been platted as Blocks 1 and 2, The Village at Woodland Hills and maximum permitted floor area allocated as follows: Lot 1, Block 1 with 214,850 square feet and Lot 2, Block 1 with 77,150 square feet for a total of 292,000 square feet in Block 1; and Lots 1-4 of Block 2 with 52,500 square feet.

Buildings have been constructed within Block 1 for the maximum permitted floor area of 292,000 square feet. Three buildings have been constructed within Block 2 which contain 18,000 square feet and 34,500 square feet of floor area is unused. Parking requirements are assessed within PUD 379 as required by the applicable use units and a reciprocal parking agreement has been filed in Book 4892 at page 2518.

Approval is requested of a Minor Amendment and Amended Detail Site Plan and Sign Plan to construct a facility for eight movie theaters within the existing retail space along the southern boundary of the development. This will require demolition of a substantial part of the present structure; however, the building footprint will remain substantially the same. Installation of the movie projection booths will require construction of a mezzanine area which contains approximately 6,500 square feet in addition to the 214,850 square feet allocated to Lot 1, Block 1. Staff is supportive of the requested minor amendment to transfer unused floor area from Block 2 increasing maximum permitted floor area in Lot 1, Block 1 to 221,350 square feet and reducing the overall floor area in Lots 1-4, Block 2 as follows: total floor area from 52,500 to 46,000 square feet; and unused floor area from 34,500 square feet to 28,000 square feet. No overall increase in floor area is being requested and overall parking requirements will be met by paving additional areas within Block 2 to provide 192 more parking spaces.

The applicant is also requesting an amendment to the building height from 30' to 32' (per the submitted Detail Site Plan) to accommodate additional interior height for the movie theater use. Added height is needed only in that area immediately adjacent to South Memorial Drive. This portion of the subject tract slopes downward toward Memorial Drive from west to east and the additional height will not impact residential uses along the west boundary of PUD 379. Staff is supportive of this change.

A Minor Amendment for a Detail Sign Plan is also requested to install a temporary 13' tall 200 square foot single-sided sign (10' x 20') to announce the construction and opening date of the theaters. This sign will be installed adjacent to the construction area and in the shopping center parking lot. Staff would recommend that the temporary sign be removed at the point in time which the City issues a Certificate of Occupancy on the theater complex or at such a time permanent signage is constructed (whichever comes first).

Therefore, Staff recommends APPROVAL of PUD 379-A-2 Minor Amendment, Amended Detail Site Plan, and Amended Detail Sign Plan per the submitted plans and information as noted below:

1. Approval of the transfer of 6,500 square feet of unused floor area from Lot 1, Block 2 to Lot 1, Block 1 to permit the installation of the projection booth mezzanine for the movie theaters resulting in 28,000 square feet of unused floor area in Block 2 of PUD 379.
2. Approval of the location of required off-street parking spaces upon any lot within The Village at Woodland Hills to satisfy a parking requirement pursuant to the terms of the mutual and reciprocal easements granted by the owners of lots within The Village at Woodland Hills to each other.
3. Approval of an increase in the maximum building height of buildings in which the movie theaters are located per the submitted plans.

4. Approval of the Amended Detail Site Plan for the construction of the movie theaters.
5. Approval of a single-faced temporary sign per the submitted plans announcing the installation of the movie theaters and the opening date to be removed upon granting a Certification of Occupancy on the theater complex or at such a time as a permanent signage is constructed (whichever comes first).

NOTE: The applicant has requested that the notice to abutting property owners be waived.

TMAPC ACTION: 10 members present

On **MOTION** of **CARNES**, the TMAPC voted **10-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Randle, "absent") to **APPROVE** the **Minor Amendment, Amended Detail Site Plan and the Amended Detail Sign Plan** for **PUD 379-A-2 (Norman)**, as recommended by Staff.

PUBLIC HEARING:

TO CONSIDER AMENDMENTS TO THE TULSA COUNTY ZONING CODE
PERTAINING TO WILD AND EXOTIC ANIMALS, SECTION 320 AND
SECTION 420, AND RELATED MATTERS

Comments & Discussion:

Mr. Gardner reviewed the proposed changes in the Tulsa County Code for areas zoned residential and agriculture in regard to the keeping of wild and exotic animals. He advised that Staff had received correspondence from Mr. Jack Brown, an attorney who submitted suggested revisions, and Mr. William J. Fiore, General Curator at the Tulsa Zoo. He suggested these gentlemen speak to the Commission directly regarding their submitted correspondence and suggestions.

In response to Mr. Paddock, Mr. Gardner pointed out that this amendment addressed only those animals accessory to a residence, and the ordinance was not intended to control or address pet shops, other businesses, or the Tulsa zoo. He further clarified that in the Staff's recommendation, as well as in the suggested wording submitted by Mr. Brown and Mr. Fiore, the key word or reference was "domestic", and if an animal was considered domestic in a residential setting, it would not be prohibited. Those not considered domestic would be prohibited; i.e. non-poisonous snakes over 50 pounds.

PUBLIC HEARING: Tulsa County Code - Cont'd

Ms. Wilson referenced a letter submitted to the TMAPC by Mr. John P. Hoover, Associate Professor in Veterinary Medicine at Oklahoma State University, regarding domestic ferrets as household pets. She inquired if these animals were regulated under the proposed wild and exotic animals ordinance. Mr. Gardner stated the documents submitted by Staff would not prohibit the domestic ferret because, as indicated in their name, they were a domestic animal. In reply to Mr. Doherty, Mr. Gardner stated that Mr. Hoover's letter also referenced the black footed ferret, which was an endangered species and as such was restricted to zoos.

Chairman Kempe advised the Commission had received four communications regarding the domestic ferrets, and ten communications opposing "any ordinance eliminating or restricting the keeping of birds".

County Commissioner Selph commented that he had requested Staff review amendments to the County Code in this regard. He stated his primary reason for this request was strictly for public safety in regard to such animals as lions, tigers, bears, etc. He was not concerned with ferrets, zebras, llamas, etc. Commissioner Selph commented that he, personally, felt Staff's suggested wording was perhaps too broad, and the Commission should consider the wording submitted by Mr. Brown as it was more detailed.

Interested Parties:

Mr. William Fiore, General Curator of the Tulsa Zoological Park, thanked Commissioner Selph and the TMAPC for considering this zoning change to restrict some animals. He agreed that the amendment as currently worded was too broad, and presented some possible enforcement problems. He added that it was also difficult to come up with a definition of "domestic animal". Mr. Fiore commented that when private citizens keep exotic animals as pets, it also encompasses conservation issues, animal welfare and humane issues, as well as public safety issues. However, he acknowledged the amendment was based primarily on a public safety issue and he would restrict his comments to that, pointing out the following:

- ° Many private citizens do not understand, or at least underestimate, the potential of wild animals to do harm. Such animals being large carnivores, large constrictors, venomous snakes and lizards, and some bird species, particularly ratites (ostrich).
- ° Confusion comes in whether an animal is tame or domesticated. Taming of an animal was simply a reduction in the animal's fear of man, and acclimation of that animal to its surroundings. Domestication involved selected breeding over many generations to develop certain desired traits, usually for utilitarian purposes.
- ° Wild animals kept as pets when hand raised from birth presented a problem in that it created behavioral anomalies. When the animal matures and becomes sexually active for breeding, the animal may recognize the human being that raised it as a member of its own

species. Therefore, the aggressive behavior it might show towards an animal threatening their territory, would be directed towards the human being.

- ° Territoriality instincts present a problem, in that the owner of the animal might not have a problem interacting with the animal. However, an animal would recognize a stranger, child, visitor, relative, etc. as an intruder into its territory.

Mr. Fiore advised that Mr. Brown was the only interested party that contacted the zoo for some input on the keeping of wild animals by citizens. He suggested to Mr. Brown, in regard to the safety issue, it might be simpler to just identify the animals that clearly represent a public safety problem:

- ° Any non-human primate (monkeys, chimps, apes), regardless of the size, due to the potential for transmitting parasites, diseases, etc.
- ° Carnivores (non-domestic flesh eating mammals), in which group he included the skunk, due to the rabies threat. He added that a non-domestic flesh eating mammal was one that has not been significantly changed through successive in-breedings and generations of being raised in captivity to make it different behaviorally, physiologically, etc. from its wild counterpart.
- ° Venomous reptiles - poisonous snakes and lizards, for obvious reasons. He suggested also restricting the keeping of boas and pythons in excess of 40 pounds body weight, even though these were non-venomous reptiles, as a boa of this size had the potential of killing a human.

In light of the public safety issue, Mr. Fiore stated it was his personal feeling that commercial areas and pet shops should be included in the ordinance amendments. He commented that a lion kept on chain in a pet shop had the same potential for harm as someone keeping it their back yard. Mr. Fiore stated that he felt the proposal submitted by Jack Brown would achieve the desired objectives, and he requested the Commission adopt that proposal. Mr. Fiore answered general questions from the Commission members, indicating those animals which should be restricted in an residential setting, but might be permitted in an agricultural setting; i.e., deer, llama, buffalo, ostrich, etc.

In reply to Ms. Wilson regarding enforcement, Mr. Fiore stated the the Tulsa Zoo was not in a position to pick up wild and exotic animals found to be in violation. He agreed enforcement was an issue that should be considered in the ordinance. A brief discussion followed as to various alternatives regarding the problems associated with enforcement.

Mr. Jack Brown, Attorney representing Mr. Carl McKenzie, (1818 One Warren Place), commented he felt the wording suggested by Staff was too broad and over inclusive. His submitted alternative proposal, as discussed by Mr. Fiore, categorized wild and exotic animals into three or four classes. Mr. Brown stated that, in addition to providing a more exact definition of

PUBLIC HEARING: Tulsa County Code - Cont'd

a wild or exotic animal, his alternative proposal should be less subject to interpretation by the public, enforcement officers, and the courts, yet it accomplished the common goal of public safety.

Mr. Larry Nunley, Curator of Animals at the Tulsa Zoo, advised that he supports the Commission and County in their efforts to provide an ordinance on the keeping of wild and exotic animals, as he has contacted the Oklahoma Wildlife Commission on this very issue, and this type of action was long overdue. Mr. Nunley, who has been with the zoo approximately 18 years, stressed his concern with the citizen's misunderstanding of wild and exotic animals in thinking they can keep these animals at a residence. He reiterated the problems with enforcement, and referred to the ordinance passed by the City of Broken Arrow as a possible guide.

Mr. Louis Arnau, State Director for the International Ferret Association (Box 44, Kingfisher, OK) commented that his concerns regarding exclusion of the domestic ferret from the ordinance had been addressed. He stated that there was far greater danger from large domestic carnivores, particularly dogs, than from wild animals, and quoted several statistics supporting his statement. He stated that, as long as a citizen was properly licensed and had the proper permits, he did not feel they should be restricted from keeping what might be considered a wild or exotic animal as a pet.

Commissioner Selph commented that, as far as a current public safety problem in the County with wild or exotic animals, he did not know if there was one, but he did not want this Commission or the Board of County Commissioners to wait until one child or person was maimed or killed before something was done about this issue.

Ms. Cheryl Reese (10145 East 22nd, Tulsa) advised she was representing bird clubs and most of her questions had been answered. She requested and was provided a copy of the proposed amendments, and was further informed that whatever was approved would be transmitted to the County Commission for final approval.

Mr. Bill Rutherford (Rt. 2 Box 69, Broken Arrow), advised he has been in a business for 18 years that deals with the cougars, tigers, bears, bobcats, wolves, etc. He stated that businesses such as this must meet US Department of Agriculture (USDA) laws, have the proper state and federal permits and licenses, and were inspected about three times a year. Mr. Rutherford expressed that he did not feel a citizen should be told what they could or could not own. He suggested that a better means of control would be through strict permitting requirements, minimum pen requirements, etc. He submitted some suggested pen requirements based on the size of an animal. In reply to Commissioner Selph, Mr. Rutherford confirmed that his was a commercial business and, as such, would not be affected by the ordinance. However, he felt that maybe the Commission did not realize the large number of citizens that would be affected by this ordinance, and felt compelled to say something on their behalf. Mr. Rutherford reiterated his concern for proper pen requirements in the ordinance.

PUBLIC HEARING: Tulsa County Code - Cont'd

Mr. George Anderson (7777 South 129th East Avenue, Broken Arrow) advised that part of his income came from the raising of ratites (ostriches, emus, etc.) for the sale of their leather. He questioned if this proposal would restrict this use, either in agricultural or residential zoning. Staff pointed out that if this was a principal use, it would not be affected; if it was accessory use then it would fall under the ordinance requirements. Mr. Anderson commented that the sale of ostrich leather as a business was becoming quite popular in Oklahoma, and he didn't want to see an ordinance passed that would hurt these groups.

Paul and Susan Nipps (Rt. 3 Box 310, Sand Springs) advised that they had lost their son in an accident involving a black bear that was kept as a pet. They spoke very strongly in favor of some type of ordinance that would address the keeping of these types of animals, if they were even to be allowed in the City or County. Mr. Nipps expressed his appreciation in being able to speak on this issue, and advised of his many attempts, both locally and statewide, in getting this matter under the proper controls.

Mr. Bruce Day (7103 East 100th Place, Tulsa) agreed there was a need for more restriction in regard to better and more reasonable containment of these animals, especially in residential areas. Mr. Day advised of his research on the number of animal attacks in the City and County, and his finding that there was a problem in this regard associated with pet shops. Therefore, Mr. Day felt that commercial uses should also be considered in the ordinance change. Mr. Day commented on the recent hazards with pit bulls, and added that large dogs presented a greater danger to the public.

Mr. Fiore was requested forward to address certain issues raised. In regard to statements made regarding the number of dog bite accidents, Mr. Fiore remarked that the Commission should keep in mind the ratio of the number of dogs versus the number of exotics kept by citizens. Mr. Fiore advised that he and Mr. Brown had discussed enforcement and the possibility of permitting, licensing, caging requirements, etc. However, they were not sure how far the County wanted to go, and what the County might be prepared to do in terms of manpower to handle enforcement, inspections, etc. Mr. Fiore advised that, contrary to a previous statement, the Tulsa Zoo does not sell wild or exotic animals to private individuals. He reiterated that the USDA licensed animal breeders and exhibitors; however, they do not license private individuals that were not displaying animals or were not breeding them for commercial purposes. Therefore, the USDA would not be able to control a person with a bear in his yard.

Mr. Carnes inquired as to a safe manner of raising the ostrich for commercial purposes, and what controls might be placed in these situations where animals were being raised for commercial purposes to assure they would not be sold to private individuals. Chairman Kempe commented that if it was in fact a business, then there should be other zoning than agriculture or residential, and that would offer some control. Mr. Doherty commented that the intent of the public hearing today was to address a different issue than the commercial operation such as Mr. Rutherford's. He added that possibly the commercial provisions should be

PUBLIC HEARING: Tulsa County Code - Cont'd

re-exaimined, but that was not the issue of this public hearing. Mr. Doherty reiterated the problems associated with enforcement of the zoning code in regard to wild and exotic animals. Discussion followed as to enforcement.

Mr. Richard Bewley (10500 East 121st Street) agreed that consideration should be given to enclosures and containment of these animals, more so than just prohibition. As a member of the Oklahoma Caged Bird Society, he inquired as to requirements for ostriches, emus, etc.

Mr. Don Rutherford (Rt. 2 Box 69, Broken Arrow) advised his son has a business dealing with wild and exotic animals, and stated support for incorporating requirements for pens, containment, etc.

TMAPC Review Session:

Chairman Kempe commented that she did not feel the TMAPC was quite ready to deal with adopting an ordinance, and suggested the Commission members invest some time to review considerations for containment, enforcement, etc. Mr. Paddock suggested a four week continuance of the public hearing to enable the Rules & Regulations Committee to call a meeting to consider a possible redraft the ordinance amendments. Mr. Carnes agreed with Mr. Paddock and commented he would like better identification of some of the uses of the animals discussed at this public hearing, and suggested the interested parties submit information to the TMAPC. Discussion followed among the Commission, with a consensus of the members favoring a continuance of the public hearing to allow the Rules & Regulations Committee time to review suggestions and comments made today, and to incorporate these into a draft of the ordinance. Therefore, Mr. Paddock moved for a continuance of this public hearing to September 28, 1988. He further suggested the Rules & Regulations Committee meet on September 7th.

TMAPC ACTION: 10 members present

On **MOTION** of **PADDOCK**, the TMAPC voted **10-0-0** (Carnes, Coutant, Doherty, Draughon, Kempe, Paddock, Parmele, Selph, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; Harris, Randle, "absent") to **CONTINUE** Consideration of the Public Hearing addressing amendments to the Tulsa County Zoning Code as relates to wild and exotic animals until Wednesday, **September 28, 1988** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

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TO CONSIDER AMENDMENTS TO CHAPTER 16 OF THE CITY OF TULSA
ZONING CODE PERTAINING TO ELIMINATION OF "USE VARIANCES"
UNDER POWERS OF THE BOARD, AND RELATED MATTERS

Comments & Discussion:

Mr. Gardner reviewed the amendments and commented on the modifications made to Chapter 16. Mr. Paddock advised the Rules & Regulations Committee voted unanimously to recommend approval of the amendments to the TMAPC.

Ms. Fran Pace, District 4 Chairman, inquired as to provisions under Section 1680 dealing with Special Exceptions. Mr. Gardner reviewed the amendments as recommended by the Rules & Regulations Committee. Ms. Pace expressed concern as to the 25' distance on item J of this section addressing the extension of a building or use into a more restricted district immediately adjacent. Ms. Pace stated there were several areas in District 4 with smaller lots (25') and she felt that the suggested 25' would not be of any benefit in these situations.

Discussion followed among TMAPC members and Staff, with Mr. Carnes suggesting that the 25' be modified to 20'. Ms. Pace remarked this might work, but she still had some concerns.

Mr. Paddock moved for adoption of the amendments, as modified, with a revision to Section 1680.1(J) from 25' to 20'.

TMAPC ACTION: 7 members present

On MOTION of PADDOCK, the TMAPC voted 7-0-0 (Carnes, Coutant, Doherty, Kempe, Paddock, Selph, Wilson, "aye"; no "nays"; no "abstentions"; Draughon, Harris, Parmele, Randle, Woodard, "absent") to APPROVE the Amendments to Chapter 16 of the City of Tulsa Zoning Code, as modified, and as recommended by Rules & Regulations Committee and Staff.

There being no further business, the Chairman declared the meeting adjourned at 4:08 p.m.

Date Approved September 7, 1988
Cherry Kempe
Chairman

ATTEST:

Sum C. Coutant
Secretary

